

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4682 of 1984

Date of decision:

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UNITED BANK OF INDIA EMPLOYEE ASSOCIATION

Versus

REGIONAL MANAGER

UNITED BANK OF INDIA

Appearance:

MR KV GADHIA for Petitioners

MR Kaushal Thakkar for Mr. KS NANAVATI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/08/96

ORAL JUDGEMENT

Challenge is made by the petitioners - Union of

Employees and two individuals - to the orders annexure-B and C under which, on the principle of 'no work no pay', salary has not been given to the employees who abstained from work or ceased work. Contention has been made by the learned counsel for the petitioner that on that day the employees worked overtime for which overtime allowance has been paid. But that is not the issue. The issue is that the employees have abstained from work or ceased to work and for that pay has not been paid. If they worked over time, then naturally overtime allowance has been paid to them which has no relation whatsoever with the earlier default. Otherwise also it is a question of fact. The petitioners had earlier raised industrial dispute but have withdrawn the same, meaning thereby they have avoided the question of fact to be gone into. This Court sitting under Article 226 of the Constitution of India is not in a position to decide disputed questions of fact.

2. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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